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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,481	07/01/2003	David L. Henderson	RHWH-0095	3296
20558	7590	10/05/2004	EXAMINER	
KONNEKER & SMITH P. C. 660 NORTH CENTRAL EXPRESSWAY SUITE 230 PLANO, TX 75074			CAMPBELL, THOR S	
			ART UNIT	PAPER NUMBER
			3742	

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/611,481	Applicant(s) HENDERSON ET AL.	
	Examiner Thor S. Campbell	Art Unit 3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-76 is/are pending in the application.
 4a) Of the above claim(s) 40-76 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16, 20- 25 is/are rejected.
- 7) ☒ Claim(s) 17-19 and 26-39 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

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DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of claims 1-39 in the reply filed on 7/12/04 is acknowledged.

Claims 40-76 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1- 5, 13-16, 20-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Ruark (US 5299280).

Ruark discloses the claimed invention including, *inter alia*, a liquid heating apparatus comprising a vessel for holding a liquid to be heated; a heating system for heating the liquid in the vessel; a jacket wall outwardly circumscribing said vessel and defining therewith an insulation space between said vessel and said jacket wall, said jacket wall having an opening therein; and an insulation dam structure including a hollow body portion having opposite open outer and inner sides spaced apart along an axis circumscribed by said body portion, a first sealing portion laterally projecting outwardly from said open outer side, a second sealing portion on said open inner side of said body portion, and a force exerting portion disposed axially inwardly of said first sealing portion, said insulation dam structure axially extending through said

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jacket wall opening with said first Sealing portion overlying an outer side portion of said jacket wall extending peripherally around said jacket wall opening, said second sealing portion overlying an outer surface portion of said vessel, and said force exerting portion holding said first sealing portion in an axially outwardly deformed sealing engagement with said outer side portion of said jacket wall, wherein said second sealing portion is a compressible sealing strip extending around the periphery of said upon inner side of said body portion, and said force exerting portion further forces said second sealing portion into sealing engagement with said outer surface portion of said vessel, wherein said compressible sealing strip has indentations formed therein (Figure 5) for sealingly receiving electrical wires, wherein said first sealing portion is a resiliently deflectable peripheral lip laterally sloped outwardly and toward said open inner side of said body portion, wherein said lip has a rectangular shape with first and second pairs of opposing said portions, the slopes of one of said pairs of opposing side portions being greater than the slopes of the other pair of opposing side portions, wherein said body portion has a generally rectangular shape, wherein said open inner side has a concave curvature.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ruark in view of Jackson et al. (US 6349169).

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Ruark discloses the claimed invention except the use of a plurality of spaced apart snap fit structures. Jackson discloses a insulation dam structure similar to the dam of Ruark and to applicant's including a plurality of spaced apart snap fit structures as claimed by applicant. It would have been obvious to one of ordinary skill in the art at the time the invention was made, in view of Jackson, to modify the device of Ruark to use a plurality of spaced apart snap fit structures as claimed in order to provide for snap fit engagement in specific areas rather than around the entire periphery in order to reduce the chance of imperfections in the jacket opening acting to hinder the snap fit around the entire periphery.

Allowable Subject Matter

Claims 17-19, and 26-39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thor S. Campbell whose telephone number is 703-306-9042. The examiner can normally be reached on Tue-Fri 5:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 703-305-5766. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TSC



THOR CAMPBELL
PATENT EXAMINER